

### **REMARKS**

In response to the Office Action dated March 13, 2006, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the rejections set forth has been carefully considered and is addressed below. The application is believed to be in condition for allowance.

#### **I. Claim Objections**

Claim 20 is objected to as improperly depending from claim 5. As the Examiner surmised, claim 20 was intended to depend from claim 15, and has been amended accordingly. Therefore, it is requested that the objection be withdrawn.

Claim 21 is objected to as purportedly being of improper dependent form for failing to further limit the subject matter of claim 15 from which it depends. This rejection is respectfully traversed. Claim 21 further limits claim 15 by positively claiming the at least one storage system in combination with the host computer of claim 15. While the Office Action asserts that the at least one storage system "is already declared in combination with the host computer in the first two lines of claim 15," Applicants respectfully point out that the at least one storage system in claim 15 merely provides context for the host computer, as it is the host computer alone that is positively claimed in claim 15. Thus, by positively claiming the at least one storage system in claim 21, the claim further limits the subject matter of claim 15. Therefore, it is respectfully requested that the objection to claim 21 be withdrawn.

#### **II. Rejections Over The Prior Art**

Each of claims 1-21 is rejected under 35 U.S.C. §102(e) as purportedly being anticipated by Hochberg. This rejection is respectfully traversed.

A. Claims 1-6

Claim 1 is directed to a method of processing data that includes, inter alia, acts of (A) sending to at least one storage system a request to store a unit of data, the request including a retention period for the unit of data; (B) after expiration of at least some of the retention period, determining if a specified event has occurred; and (C) when it is determined that the specified event has not occurred, extending the retention period for the unit of data.

Hochberg does not teach a method as recited in claim 1, wherein a request is sent including a retention period for the unit of data, and when it is determined that a specified event has *not* occurred, the retention period is extended.

While Hochberg discloses an “event based retention archival policy” (§ 0022, line 1) it does not function in the manner required by claim 1. In this respect, in the system of Hochberg, the event based retention policy specifies that “the retention period for the object does not commence until the occurrence of an event.” (§ 0022, lines 2-3). “An event driven policy thus defers the beginning of the retention period counting until the occurrence of an event.” (§ 0022, lines 3-8). For an object for which event based retention is being employed, its status is initially indicated as pending before the event occurs (§ 0032), as “the archive program 12 does not begin the retention period specified for an object having an event based retention policy until the event signal has occurred.” (§ 0042).

As should be appreciated from the foregoing, Hochberg does not teach a method of processing data that comprises sending a request to store a unit of data, the request including a retention period for it, and then when it is determined that a specified event has *not* occurred, extending the retention period.

The Office Action asserts that the step 100 in Fig. 4 illustrates the sending of a request to store a unit of data, with Fig. 3 showing the retention period “that accompanies the data.” (Office Action, page 3). That is incorrect. Fig. 3 illustrates an example of information that may be included

in an expiration entry 50 in the expiration table 20. (§ 0033, lines 1-3). As shown in Fig. 4, the expiration entry of Fig. 3 is not included in the request received at step 100, but is actually created later in the process of Fig. 4 at step 112.

The flow chart of Fig. 4 illustrates that if the archival policy specified in the request received at step 100 is event based, the status for the object is set to pending in step 110, and in fact no expiration entry 50 of the type shown in Fig. 3 is even created for the object. That is consistent with the explanation provided above, which is that a retention period for the object will not be set unless and until the event occurs. As described in connection with the process of Fig. 5, “the archive program 12 does not begin the retention period specified for an object having an event based retention policy until the event signal has occurred.” (§ 0042).

The Office Action further asserts that the extending of the retention period for the unit of data when it is determined that the event has not occurred is taught in §§ 0041 and 0042. This is incorrect.

Claim 1 requires that the retention period be extended when it is determined that “the specified event has *not* occurred.” (Emphasis added). The process that Hochberg describes in §§ 0040 and 0041 is the creation of a retention period “when receiving an event signal with respect to a specified object.” (§ 0040, lines 1-3). Thus, even if the Office Action were correct that the cited sections of Hochberg teach the extension of a retention period, Hochberg does so based upon a determination that the specified event *has occurred*, not based upon a determination that the specified event *has not occurred* as required by claim 1.

For the reasons discussed above, claim 1 patentably distinguishes over Hochberg, such that the rejection of claim 1 as purportedly being anticipated by Hochberg should be withdrawn.

Claims 2-6 depend from claim 1 and are patentable for at least the same reasons.

B. Claims 8-13

Claim 8 is directed to at least one computer readable medium encoded with instructions that, when executed, perform a method substantially similar to that recited in claim 1. Therefore, it is respectfully asserted that the rejection of claim 8, as well as claims 9-13 that depend therefrom, as purportedly being anticipated by Hochberg should be withdrawn for the reasons set forth above.

C. Claims 15-21

Claim 15 is directed to a host computer comprising third means for extending a retention period when it is determined that a specified event has not occurred. As should be appreciated from the foregoing, Hochberg does not teach or suggest a host computer that comprises such a means. Therefore, it is respectfully asserted that the rejection of claim 15, as well as claims 16-21 that depend therefrom, as purportedly being anticipated by Hochberg should be withdrawn.

D. Independent Claim 7

Claim 7 is directed to a method of ensuring that a unit of data is retained until a specified period after the occurrence of an event. The method comprises, inter alia, acts of (A) establishing an initial retention period for the unit of data and (B) when it is determined that the specified event has not occurred, extending the retention period for an extended period that is less than or equal to the specified period.

It should be appreciated from the foregoing that Hochberg does not teach or suggest a method as recited in claim 7. Hochberg clearly does not teach extending a retention period when it is determined that a specified event has *not* occurred. Therefore, it is respectfully asserted that the rejection of claim 7 as purportedly being anticipated by Hochberg should be withdrawn.

E. Independent Claim 14

Claim 14 is directed to at least one computer readable medium encoded with instructions that, when executed, perform a method substantially similar to that recited in claim 7. Therefore, it is respectfully asserted that for at least the reasons discussed above, claim 14 patentably distinguishes over Hochberg, such that the rejection of claim 14 as purportedly being anticipated by Hochberg should be withdrawn.


**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, he is requested to call the Applicants' attorney at the telephone number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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